

III. Remarks

A. Status of the Application

Claims 1-22 will be pending after entry of the present paper. Claims 1-22 were previously pending and no claims are added or canceled by the present paper. Reconsideration of the application in light of the following remarks is respectfully requested.

B. Consent of Assignee

Applicants are submitting herewith the Consent of Assignee and Statement Under 37 CFR 3.73(b) as requested by the Examiner.

C. Supplemental Declaration

Applicants are also submitting herewith a Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) executed by inventors Vincent Bryan and Alex Kunzler as requested by the Examiner.

D. Claims

Claims 1-22 are rejected as being based upon a defective reissue application under 35 U.S.C. §251. However, as noted above a supplemental declaration under 37 CFR 1.175 is submitted herewith. Further, Applicants have rewritten the claims to be in the appropriate format (e.g., bracketing around deleted claim language and underlining of new claim language (including all of new claims 21 and 22)).

As the scope of the claims remains unchanged, the claims have all been labeled as "Previously Presented". However, it is understood that the specific formatting of the claims in terms of strikethroughs and underlines has been modified to comply with required formatting of reissue applications. Accordingly, Applicants submit that claims 1-22 are in condition for allowance.

IV. Conclusion

It is believed that all matters set forth in the Office Action have been addressed and that all of the pending claims are in condition for allowance. Accordingly, an indication of allowability is respectfully requested.

Should the Examiner deem that an interview with Applicants' undersigned attorney would further prosecution, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



William R. Richter
Registration No. 43,879

Dated: _____

8/5/09

Medtronic
2600 Sofamor Danek Drive
Memphis, TN 38132
Telephone: 901-399-2243
Facsimile: 901-344-1583